

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING FRISCO'S COMPREHENSIVE ZONING ORDINANCE NO. 93-07-11 AND ORDINANCE NO. 00-04-18; GRANTING A SPECIFIC USE PERMIT FOR OUTSIDE STORAGE ON A TRACT OF LAND SITUATED IN THE S.M. PULLIAM SURVEY, ABSTRACT NO. 707, IN THE CITY OF FRISCO, COLLIN COUNTY, TEXAS, CONTAINING 5.60 ACRES MORE OR LESS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE AND COMPREHENSIVE ZONING ORDINANCE NO. 93-07-11; PROVIDING FOR SAVING, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas (the "City Council"), has investigated and determined that the Comprehensive Zoning Ordinance No. 93-07-11 and Ordinance No. 00-04-18 should be amended and pursuant to a notice being duly posted according to law, conducted a public hearing wherein a request was made by Strawn Merchandise, Inc. ("Applicant") to allow a Specific Use Permit for outside storage on a tract of land zoned Highway (H), the tract of land is situated in the S.M. Pulliam Survey, Abstract No. 707, in the City of Frisco, Collin County, Texas ("Frisco"), involving 5.60 acres more or less, and as more particularly described in Exhibit "A", attached hereto and incorporated herein for all purposes; and

WHEREAS, the City Council finds that the Applicant has agreed to comply with all provisions of the ordinances of Frisco, including but not limited to, Frisco's Comprehensive Zoning Ordinance No. 93-07-11 and any amendments thereto, and has further agreed to comply with the additional restrictions set forth herein and the conditions set forth in the attached site plan; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of Frisco to grant the Specific Use Permit,

and that such grant will not be detrimental to the public welfare, safety or health, and that the Specific Use Permit should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Specific Use Granted. Applicant is granted a Specific Use Permit to allow for outside storage on a tract of land situated in the S.M. Pulliam Survey, Abstract No. 707, in the City of Frisco, Collin County, Texas. The site shall be developed as follows:

1. A thirty-foot (30') landscape edge shall be provided adjacent to and outside of the future S.H. 121 right-of-way. A minimum of one (1) three-inch (3") caliper tree per twenty-five (25') feet of linear frontage and a minimum of fifteen (15) five (5) gallon shrubs per twenty-five (25') feet of linear frontage shall be planted in the landscape edge.
2. Evergreen conifer type trees shall be planted in an offset pattern with a maximum spacing of eight (8') feet on-center on all sides of the storage area.
3. All equipment and other outdoor storage or displays shall be screened from the view of S.H. 121 and adjacent properties by the evergreen trees.
4. All landscaping shall be installed within one year from the date of City Council approval of the ordinance.
5. The Specific Use Permit for the outside storage is tied to the existing equipment rental facility.

The Property as a whole and the boundaries are more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes as if set forth verbatim. The outside storage shall be develop in compliance with the conditions

expressly stated in the site plan and zoning exhibit attached hereto as Exhibit "B", and incorporated herein for all purposes as set forth verbatim.

SECTION 3: Failure to Comply/Assignable and Transferable. Except as otherwise stated above, all terms of the Specific Use Permit shall be compiled with prior to issuance of a certificate of occupancy. Failure to comply with any term or condition of this Ordinance, applicable Exhibits or Frisco's Comprehensive Zoning Ordinance No. 93-07-11, as they exist or may be amended, will result in the Specific Use Permit being declared null and void and of no force and effect. The Specific Use Permit is issued to the person named above and is assignable and transferable.

SECTION 4: Specific Use Permits Regulations. Upon holding a properly notified public hearing, the City Council may amend, change, or rescind a specific use permit if:

1. There is a violation and conviction of any of the provisions of this ordinance or any ordinance of the City of Frisco that occurs on the property for which the Specific Use Permit is granted;
2. The building, premise, or land used under a Specific Use permit are enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement, modification, structural alteration, or change;
3. Non-compliance with the requirements for the outdoor storage or upon finding that any of the operational requirements imposed at the time of granting the Specific Use Permit are not met or thereafter cease to exist;
4. Violation of any provision of the terms or conditions of this Specific Use Permit;

5. Ad valorem taxes on the property are delinquent by more than six (6) months;
or
6. The Specific Use Permit was obtained by fraud or with deception.

SECTION 5: Compliance/Specific Use Permit Effective Date. The Applicant shall comply with all terms and conditions of the ordinances of Frisco, including but not limited to, Frisco Comprehensive Ordinance No. 93-07-11, as it exists or may be amended. This Specific Use Permit shall be effective from and after the effective date of this Ordinance.

SECTION 6: Unlawful Use of Premises. It shall be unlawful for any person, firm or corporation to make use of the above-referenced tract of land in some manner other than as authorized by this Ordinance or other applicable Ordinances.

SECTION 7: Penalty. Any person, firm or corporation who violates any provision of this Ordinance or Frisco's Comprehensive Zoning Ordinance No. 93-07-11 shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand Dollars (\$2,000.00), and each and every day such violation continues shall be considered a separate offense; provided, however, such penal provision shall not preclude a suit to enjoin such violation.

SECTION 8: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of

the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 9: Conflicting Ordinance. All ordinances in conflict herewith are repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 10: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this ____ day of _____ 2000.

KATHLEEN A. SEEI, Mayor

**ATTESTED AND CORRECTLY
RECORDED:**

APPROVED AS TO FORM:

NAN PARKER, City Secretary

**ABERNATHY, ROEDER, BOYD & JOPLIN, P.C.
RICHARD M. ABERNATHY
City Attorney**

DATE OF PUBLICATION: _____, **FRISCO ENTERPRISE**

EXHIBIT "A"

SITUATED IN COLLIN COUNTY, TEXAS, IN THE S.M. PULLIAM SURVEY ABSTRACT 707, AND BEING ALL OF LOT 2 OF 121 INDUSTRIAL PARK (2.22 ACRES), AN ADDITION TO THE CITY OF FRISCO, COLLIN COUNTY, TEXAS AND BEING ALL OF A 2.584 TRACT CONVEYED TO STRAWN MERCHANDISE COMPANY BY ROCK INVESTMENTS BY DEED RECORDED IN VOLUME 2013, PAGE 703, OF THE COLLIN COUNTY DEED RECORDS AND BEING A PART OF A 15.20 ACRE TRACT CONVEYED TO ROCK INVESTMENTS BY DEED RECORDED IN VOLUME 1585 PAGE 394 OF THE COLLIN COUNTY DEED RECORDS AND CORRECTED IN VOLUME 1603 AND PAGE 743, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON ROD AT THE SOUTHWEST CORNER OF SAID 15.20 ACRE TRACT, SAID TRACT ALSO BEING AT THE SOUTHWEST CORNER OF THE S.M. PULLIAM SURVEY, ABSTRACT 707, IN THE EAST LINE OF THE JACOB BACCUS SURVEY ABSTRACT 53, AND IN THE CENTER OF A PUBLIC ROAD (COUNTY ROAD 112):

THENCE: NORTH $89^{\circ} 52' 26''$ EAST ALONG THE CENTER OF A PUBLIC ROAD A DISTANCE OF 528.0 FEET TO THE POINT OF BEGINNING:

THENCE: NORTH $00^{\circ} 00' 19''$ WEST ALONG THE NORTH LINE OF SAID LOT 2 A DISTANCE OF 757.11 FEET TO A POINT;

THENCE: NORTH $89^{\circ} 52' 26''$ EAST A DISTANCE OF 376.32 FEET TO A POINT;

THENCE: SOUTH $00^{\circ} 00' 19''$ EAST A DISTANCE OF 508.69 FEET TO A POINT;

THENCE: SOUTH $67^{\circ} 46' 59''$ WEST A DISTANCE OF 212.06 FEET TO A POINT;

THENCE: SOUTH $00^{\circ} 00' 19''$ EAST A DISTANCE OF 168.67 FEET TO A POINT;

THENCE: SOUTH $89^{\circ} 52' 26''$ WEST A DISTANCE OF 180.00 FEET TO THE POINT OF BEGINNING; AND CONTAINING 243,972 SQUARE FEET OR 5.60 ACRES OF LAND MORE OR LESS.